

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

JEFF MCMAHAN, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

TOTAL TRUCKING, INC.,

Defendant.

Case No. CIV-22-243-J

**TRIAL DOCKET: FEBRUARY 2024**

**SCHEDULING ORDER**

☐ JURY TRIAL DEMANDED – ☒ NON-JURY TRIAL

**THE COURT SETS THE FOLLOWING DEADLINES**

1. Motions to join additional parties to be filed  
N/A.

2. Motions to amend pleadings to be filed  
within N/A.

3. Plaintiff(s) to file a final list of expert  
witness(es) and submit expert reports to Defendant(s)  
**and** file a final list of witnesses, together with  
addresses and brief summary of expected testimony  
where a witness has not already been deposed by  
9/5/2023.\*

4. Defendant(s) to file a final list of expert  
witness(es) and submit expert reports to Plaintiff(s)  
**and** file a final list of witnesses (as described above)  
by 9/20/2023.\*

5. (a) Plaintiff(s) to file a final exhibit list by  
9/20/2023.\* Defendant(s) to file objections to  
Plaintiff(s) final exhibit list, under Fed. R. Civ. P.  
26(a)(3)(B) by 10/5/2023.

(b) Defendant(s) to file a final exhibit list by  
10/5/2023.\* Plaintiff(s) to file objections to  
Defendant(s) final exhibit list, under Fed. R. Civ. P.  
26(a)(3)(B), by 10/20/2023.

**\*The listing of witnesses and exhibits shall  
separately state those expected to be called or used  
and those which may be called or used if the need  
arises. Except for good cause shown, no witness  
will be permitted to testify, and no exhibit will be  
admitted in any party's case in chief unless such  
witness or exhibit was included in the party's filed  
witness or exhibit list.**

6. Discovery to be completed by 11/5/2023.

7. All dispositive and *Daubert* motions to be  
filed by 10/1/2023.

**If the deadline for dispositive motions and  
*Daubert* motions precedes the discovery deadline,  
the parties are expected to conduct any discovery  
necessary for such motions in advance of the  
motion deadline.**

8. TRIAL DOCKET: February 2024.\*

\*Trial dockets generally begin the second Tuesday of  
each month; however, this practice varies, particularly  
during holidays. The published trial docket will  
announce the trial setting.

**The interval between the deadline for dispositive  
and *Daubert* motions and the trial docket is  
relatively inflexible. Any extensions of time  
related to such motions will likely affect the trial  
date.**

9. Designation of deposition testimony to be  
used at trial to be filed by 1/1/2024. Objections and  
counter-designations to be filed by 1/10/2024.  
Objections to counter-designations to be filed by  
1/17/2024. Highlighted copy of deposition  
transcript(s) to be submitted to the Court by  
1/24/2024.\*

**\* The Parties shall jointly submit to the Court a  
copy of any deposition to which there are  
objections to the designations and/or counter-**

designations and shall highlight the objected to testimony.

10. Motions in limine to be filed by 1/1/2024.\*

**\*Unless the Court grants leave to file separate motions in limine, all motions in limine shall be consolidated into a single filing, which shall be subject to the page limitation in LCvR 7.1(d).**

11. Requested voir dire to be filed by N/A.

12. Trial briefs (optional unless otherwise ordered) to be filed by 1/1/2024.

13. Requested jury instructions to be filed by N/A.\*

14. NON-JURY CASES ONLY: Proposed findings and conclusions of law to be filed by 1/1/2024.\*

17. Parties in civil cases will be expected to have engaged in private mediation or a judicial settlement conference, or to have been expressly excused by the Court from that requirement. If the parties engage in private mediation, they shall file a report within seven (7) days thereafter informing the Court as to the outcome.

18. ☐ The parties consent to trial by Magistrate Judge.

19. Initial disclosures pursuant to Fed. R. Civ. P. 26 ☒ have been made, ☐ are excused, or ☐ shall be made by \_\_\_\_\_.

20. Other: \_\_\_\_\_.

Dated this 7<sup>th</sup> day of April, 2023.

**\*In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in Word format to the Clerk via the Court's designated mail box: jones-orders@okwd.uscourts.gov**

15. Responses to motions in limine shall be filed within **14 days**. Any objection or response to the trial submissions referenced in ¶ 11, 12, 13, or 14 shall be filed within **7 days**.

16. The Final Pretrial Report, approved by all counsel and in full compliance with Local Rules (*see* Appendix IV), together with a proposed order approving the report, to be filed by 1/1/2024.

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BY ORDER OF THE COURT  
CARMELITA REEDER SHINN, CLERK OF THE COURT

By: /s/ D. Wayne Lee  
Deputy Clerk